

#7

60130-1370
00MRA0195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rainer Grimm, et al.
Serial No.: 10/089,032
Filed: March 26, 2002
Group Art Unit: Unknown
Examiner: Unknown
Title: VEHICLE DOOR

RENEWED PETITION UNDER RULE 37 CFR 1.47(a)

This Request for Reconsideration is in response to the Decision Refusing Status under 37 CFR 1.47(a) mailed December 12, 2002. Gregory Keyes, the missing inventor, was employed by Meritor, and under an obligation to assign inventions to Meritor. Mr. Keyes has left Meritor and has not been located.

Applicant previously submitted (1) the fee under 27 CFR 1.17(h) and (3) a statement of the last known address of the missing inventor. The Decision on Petition states that (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort needs to be submitted. The Decision on Petition also states that (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor needs to be submitted.

Applicant has submitted factual proof that the missing inventor Gregory Keyes cannot be reached after diligent effort. Petitioner is submitting an affidavit signed by Horst Schumacher of Palgen Schumacher Kollegen (Palgen) in Germany summarizing the efforts taken to locate Mr. Keyes and to obtain Mr. Keyes' signature for the declaration for this patent application. As stated in Mr. Schumacher's affidavit, Palgen (then Konig Palgen Schumacher Kluin) sent correspondence

to Mr. Keyes relating to a different patent application at Meritor Automotive GmbH on December 22, 2001. Palgen was informed on March 2, 2001 by Mrs. Post of Meritor Frankfurt by telephone that Mr. Keyes had moved without leaving a new address or telephone number. Palgen attempted to call Mr. Keyes at his last known phone number, but the line was no longer in service. Palgen also contacted the British law firm of Marks & Clerk (**Exhibit A**) on March 21, 2002 inquiring how to find a new address of a British citizen. Marks & Clark responded by letter (**Exhibit B**) on March 23, 2001 stating that there is no easy way of searching for a British citizen as there is no requirement in Great Britain for address registration. Additionally, Palgen contacted Mrs. Anna Riley of the Personal Department of Meritor Great Britain on April 9, 2001 by facsimile (**Exhibit C**) for information relating to Mr. Keyes' address. Mrs. Riley responded by email (**Exhibit D**) on April 9, 2001 with an address and phone number for Mr. Keyes. However, this address and phone number were old ones.

Palgen also send a copy of the complete patent application having serial number 10/089,032, a preliminary amendment, a declaration, and an assignment to Mr. Keyes at his last known address by registered letter (**Exhibit E**) on August 16, 2002. A declaration signed by Horst Schumacher is attached. As stated in paragraph 9 of the declaration, a complete copy of the declaration was sent to each inventor. The registered letter had registration number 07 6567 3284 7DE. The registered letter was delivered on August 24, 2002 and appears to be signed by Gregory Keyes. A copy of the delivery receipt signed by Mr. Keyes is attached as **Exhibit F**. Palgen also tried to find the phone number associated with Mr. Keyes' last known address. The German telephone company Deutsche Telekom stated that there was no known telephone number for Mr. Keyes at this address. The declaration of Horst Schumacher stating these facts is attached. To date, we have heard no response from Mr. Keyes.

Applicant also submitted an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Each of the inventors were presented with a complete copy of the declaration. The Decision on Petition states that the declaration filed on August 26, 2002 is not in acceptable form as the declaration includes

multiple duplicate sheets. The Decision states that is unclear if the inventors were presented with only their signature page or if they were presented with a complete declaration for signing that was later compiled into a single document. As stated in the declaration of Horst Schumacher, each of the inventors were presented with a complete copy of the declaration. A complete copy of the declaration was presented to each inventor, and the entire inventive entity appeared in the declaration as signed by the inventors.

Petitioner respectfully asks for reconsideration of the petition. Petitioner has presented evidence that diligent efforts have been made to locate Mr. Keyes. No further fees are required. However, if any fees are required, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

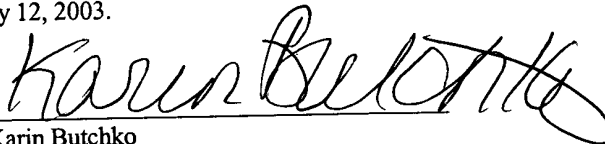


Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: February 12, 2003

CERTIFICATE OF MAILING

I hereby certify that this Renewed Petition Under Rule 37 CFR 1.47(a) and accompanying documents are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Box PCT, Assistant Commissioner of Patents, Washington, D.C. 20231 on February 12, 2003.



Karin Butchko

N:\Clients\MERITOR\IP01370\Patent\Requestforreconsideration1.47.doc

AFFIDAVIT OF HORST SCHUMACHER

I, Horst Schumacher, being warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or patent issuing thereon, declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

1. I am a patent attorney at Palgen Schumacher Kollegen, a German law firm.
2. Palgen Schumacher Kollegen has been attempting to locate Gregory Keyes regarding several patent applications we have filed. We sent correspondence to Mr. Keyes at Meritor Automotive GmbH on December 22, 2000 regarding a previously filed patent application. On March 2, 2001, we were informed by Mrs. Post of Meritor Frankfurt by telephone that Mr. Keyes had moved without leaving a new address or a new telephone number.
3. We attempted to contact Mr. Keyes at his last known telephone number, but the line was no longer in service.
4. We also attempted to locate Mr. Keyes through the British law firm of Marks & Clerk on March 21, 2001. A copy of the correspondence is attached as Exhibit A. Robin J. Oxley of Marks and Clerk responded on March 23, 2001 and stated there was no easy way to obtain the new address of Mr. Keyes as there is no requirement for address registration in Great Britain. A copy of the letter from Marks & Clerk is attached as Exhibit B.
5. By facsimile, we contacted Mrs. Anna Riley, of the Personal Department of Meritor Great Britain on April 9, 2001. A copy of the facsimile is attached as Exhibit C. Mrs. Riley responded by email on April 9, 2001 with an address and phone number for Mr. Keyes, a copy attached as Exhibit D. The address provided was Mr. Keyes last known address.

6. We sent correspondence to Mr. Keyes by registered letter at his last known address on August 16, 2002. The correspondence included the complete patent application having serial number 10/089,032, a preliminary amendment, an assignment, and a declaration. The registered letter had registration number 07 6567 3284 7DE. A copy of this letter is attached as Exhibit E. The registered letter was delivered on August 24, 2002 and appears to be signed by Mr. Keyes. A copy of the delivery receipt signed by the recipient is attached as Exhibit F.

7. We never received a response from Mr. Keyes to the letter attached as Exhibit E. We tried to find the phone number associated with Mr. Keyes' last known address. The German telephone company Deutsche Telekom informed us that there was no known telephone number for Mr. Keyes at this address.

8. To date, we have heard no response from Mr. Keyes

9. All the inventors in this case were presented with complete copies of the declaration for their signature.

Feb. 12, 2003
Date

Horst Schumacher
Horst Schumacher

IN ADVANCE VIA FACSIMILE 0044-020-404-4910

MARKS & CLERK
Chartered Patent Agents
57-60 Lincoln's Inn Fields

GB - London WC2A 3LS

Dipl.-Ing. Dr. Reimar König²⁾
Dipl.-Phys. Dr. Peter Palgen¹⁾
Dipl.-Phys. Dr. H. Schumacher³⁾
Dipl.-Phys. Dr. Jörg-E. Kluin¹⁾
Dipl.-Biol. Gregor S. König²⁾

Patentanwälte
European Patent Attorneys
European Trademark Attorneys

Essen, March 21, 2001

Our Reference:

Meritor-0 HS/MB

Information

Dear Sirs:

We kindly ask you to inform us, if possible by return facsimile, how to find out the new address of a British citizen.

Kind regards
KÖNIG PALGEN SCHUMACHER KLUIN

MB
(Dr. Horst Schumacher)

Exhibit A

SENDEBERICHT

ZEIT : 21/03/2001 11:15

Marks & Clerk
DATUM/UHRZEIT
FAX-NR./NAME
Ü.-DAUER
SEITE(N)
ÜBERTR
MODUS

Meritor-0
21/03 11:15
000442074044910
00:00:20
01
OK
STANDARD
ECM

MARKS & CLERK*Intellectual Property*

European Patent Attorneys
Chartered Patent Attorneys
European Trade Mark Attorneys
Registered Trade Mark Attorneys

Established 1887

London Office
57-60 Lincoln's Inn Fields
London WC2A 3LS

Tel: +44 (0)20 7400 3000
Fax: +44 (0)20 7404 4910
Email: admin@marks-clerk.com
<http://www.marks-clerk.com>

Dr Horst Schumacher
König Palgen Schumacher Kluin
Frühlingstrasse 43A
D-45133 Essen
GERMANY

please quote
our reference

RJO/dm/RJOZ00020

your reference

Meritor-0 HS/MB

date

23 March 2001

Document #: 678581

By Fax (confirm by mail)
00 49 201 84 230 20

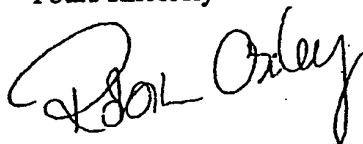
Dear Dr Schumacher

Thank you for your fax dated 21 March 2001.

In response to your query, there is no requirement for address registration as there is in Germany. Therefore, we do not know an easy way of obtaining the new address of a British citizen. It may be possible to check the electoral register, but information on the geographical region of the address is likely to be required to narrow the search. It may also be possible to go to a search agency, or investigation agency, who have more expertise in this field of searching.

I am sorry that we have not been able to help you more in your enquiry, and wish you luck in finding this information.

Yours sincerely



Robin J Oxley
MARKS & CLERK

Partners
E W B Lyndon-Stanford MA CPA EPA
W P McCallum MA CPA EPA
A W Freed QC MA CPA EPA
C J R Gibson MA CPA EPA
A R Pearce QC MA CPA EPA
D Carpenter MA CPA EPA
D J Devons MA MAE MA CPA EPA
M K Padmore MA
K Vothally MA MAE MA CPA EPA
P J Adams MA MAE MA CPA EPA
M R Higgins MA MAE MA CPA EPA
D G Tully MA CPA EPA
E J Godwin MA CPA EPA

J A Slater MA CPA EPA
A H W Luckhurst MA MAE MA CPA EPA
S P Hosford MA
R P Harding MA CPA EPA
S J Mackrell MA MAE MA CPA EPA
C T Graham MA MAE MA
P D Atkinson MA MAE MA CPA EPA
H D Lord MA CPA EPA
R P Maury MA MAE MA CPA EPA
B J Morgan MA
K L Hodgkinson MA MAE MA CPA EPA
E D M Rowley MA
S G Mosley MA CPA EPA
C I Mendenham MA MAE MA CPA EPA

T S Andrews MA MAE MA CPA EPA
J P Asquith MA MAE MA CPA EPA
J Kay MA MAE MA
M J Lamo MA MAE MA CPA EPA
R L Tow MA MAE MA
P J Wickers MA MAE MA
S M Curbs MA MAE MA
A M Suckling MA MAE MA CPA EPA
R A Bailey MA CPA EPA
J D Collins MA MAE MA CPA EPA
MAE MA CPA EPA

Associates
C E Gannon MA MAE MA CPA EPA

R Lind MA MAE MA CPA EPA
A C Fairbairn MA CPA EPA
J L Midgey MA MAE MA CPA EPA
R J Grimes MA MAE MA CPA EPA
P Roberts MA MAE MA CPA EPA
A Stark MA MAE MA
J S Pople MA MAE MA CPA EPA
K P Halligan MA
P C Barford MA MAE MA CPA EPA
O J Marsh MA MAE MA
C L Mountney MA MAE MA
D R Thompson MA MAE MA

EXC-101-B

ONLY VIA FACSIMILE 0044-121-606 04 98

Meritor Birmingham
attn. Mrs. Anna Riley
(Personal Department)

Dipl.-Ing. Dr. Reimar König²⁾
Dipl.-Phys. Dr. Peter Palgen¹⁾
Dipl.-Phys. Dr. H. Schumacher³⁾
Dipl.-Phys. Dr. Jörg-E. Kluin¹⁾
Dipl.-Biol. Gregor S. König²⁾

Patentanwälte
European Patent Attorneys
European Trademark Attorneys

Essen, April 9, 2001

Our Reference:

100 375, 100 377 HS/MB

Address of Mr. Keyes

Dear Mrs. Riley:

I refer to our telephone conversation from today. Please note our following e-mail address:

E@KPSK.DE

We now kindly ask you to send us the full address as well as the telephone number of Mr. Gregory Keyes.

We like to thank you for your kind assistance in this matter.

Kind regards,
KÖNIG PALGEN SCHUMACHER KLUIN

M. Büttgenbach
(i. A. Marita Büttgenbach)

SENDEBERICHT

ZEIT : 09/04/2001 08:25

DATUM/UHRZEIT
FAX-NR./NAME
Ü.-DAUER
SEITE(N)
ÜBERTR
MODUS

09/04 08:25
00103300441216060498
00:00:19
01
OK
STANDARD
ECM

EX-15X
bit
C

Von: Anna M Riley/Euro/Auto <rileyam@meritorauto.com>
An: e@kpsk.de <e@kpsk.de>
Datum: Montag, 9. April 2001 08:48
Betreff: Grag Keyes

Marita

Good Morning

Further to our telephone conversation today, please find the address and telephone number for Greg Keyes.

28 Inverclyde Road
Handsworth Wood
Birmingham
B20 2LJ
England

← walt-Adress

Tel: 0121-686 6340

... kein Anschluss unter dieser Nr. An

Good Luck !!

09. April 2001

17:12

Kind Regards

Anna

EX-5X

PALGEN, SCHUMACHER & KOLLEGEN
PATENTANWÄLTE

VIA REGISTERED LETTER

Mr. Gregory Keyes
28 Inverclyde Road
Handsworth Wood
Birmingham, B20 2LJ

Great Britain

07 6567 3284 7DE

DIPL.-PHYS. DR. PETER PALGEN
DIPL.-PHYS. DR. H. SCHUMACHER

PATENTANWÄLTE
EUROPEAN PATENT ATTORNEYS
EUROPEAN TRADEMARK ATTORNEYS

Essen, August 16, 2002

Our reference:

102 089 HS/MB

Meritor File No.: 00MRA0195

United States National Phase Patent Application Ser. No. 10/089,032

following International Patent Application PCT/EP00/09528

Keyword: X-EXTENDED MODULE SHEET

Dear Mr. Keyes:

In the above-identified case please find enclosed a copy of the above-mentioned U.S. patent application (document WO 01/23203) as well as a copy of the Preliminary Amendment filed with the U.S. Patent and Trademark Office.

As a further enclosure please find the Assignment and Declaration/Power of Attorney (in duplicate) for signature.

Please return the signed documents to our office in Essen as soon as possible.

Furthermore we kindly ask you to give a short information about your new address.

Kind regards,
PALGEN, SCHUMACHER & KOLLEGEN

MB
For (Dr. Horst Schumacher)

Encl.

Deutsche Post AG

Rückschein / Auszahlungsschein / Gutschriftsanzeige

Entreprise des Postes allemandes S. A. Avis de réception/Avis de paiement/Avis d'inscription

Vom Absender auszufüllen/A remplir par l'expéditeur

Einlieferungsfiliale Bureau de dépôt	Datum/Date 16/8/02
Empfänger der Sendung/Destinataire de l'envoi Mr. Gregory Meyer, SB	

Art der Sendung/Nature de l'envoi

<input checked="" type="checkbox"/> Brief/Vorrang Lettre/Prioritaire	<input type="checkbox"/> Paket Colis
<input checked="" type="checkbox"/> Einschreiben Recommandé	<input type="checkbox"/> Wertangabe Valeur déclarée
Einlieferungs-Nr. der Sendung/N° de l'envoi	Betrag/Montant
Gewöhnliche Anweisung/Mandat ordinaire/ Zahlkarte/ <input type="checkbox"/> Auslieferungsnachweis/ de versement <input type="checkbox"/> Chèque d'assignation	Betrag/Montant

Am Bestimmungsort auszufüllen/A compléter à destination

Der o. g. Betrag wurde ordnungsgemäß/ L'envoi mentionné ci-dessus a été dûment		dem Postbankkonto gutgeschrieben inscrit en CCP
<input type="checkbox"/> ausgehändigt remis	<input type="checkbox"/> ausgezahlt payé	
Datum und Unterschrift* / Date et signature 16.8.02		

* Diese(r) Schein/Anzeige kann vom Empfänger oder, wenn die Vorschriften des Bestimmungslandes dies vorsehen, von einem Beauftragten oder vom Mitarbeiter des Bestimmungsamts unterschrieben werden.
* Cet avis pourra être signé par le destinataire ou, si les règlements du pays de destination le prévoient, par une autre personne autorisée ou par l'agent du bureau de destination.

Rückschein / Auszahlungsschein / Gutschriftsanzeige
Entreprise des Postes allemandes S. A. Avis de réception/Avis de paiement/Avis d'inscription

Advice of delivery

102089

CN 07

Postache
Service des postes
Stempel des Postamts,
das den Schein zurücksendet,
à coller au bureau
d'avis



Luftpost

Prioritaire Par avion

Zurücksenden an/Renvoyer à Return to

Name oder Firma/Nom ou raison sociale Patentanwalt
Palten Schumacher & Kollegen
Straße und Hausnummer/Rue et n° Frühlingstraße 43F
Ort und Land/Localité et pays D-45133 Essen
Germany

1.96

915-005-000